

**ZB# 01-67**

**Frank Carlone**

**45-1-10**

Prelim.

Dec. 17, 2001.

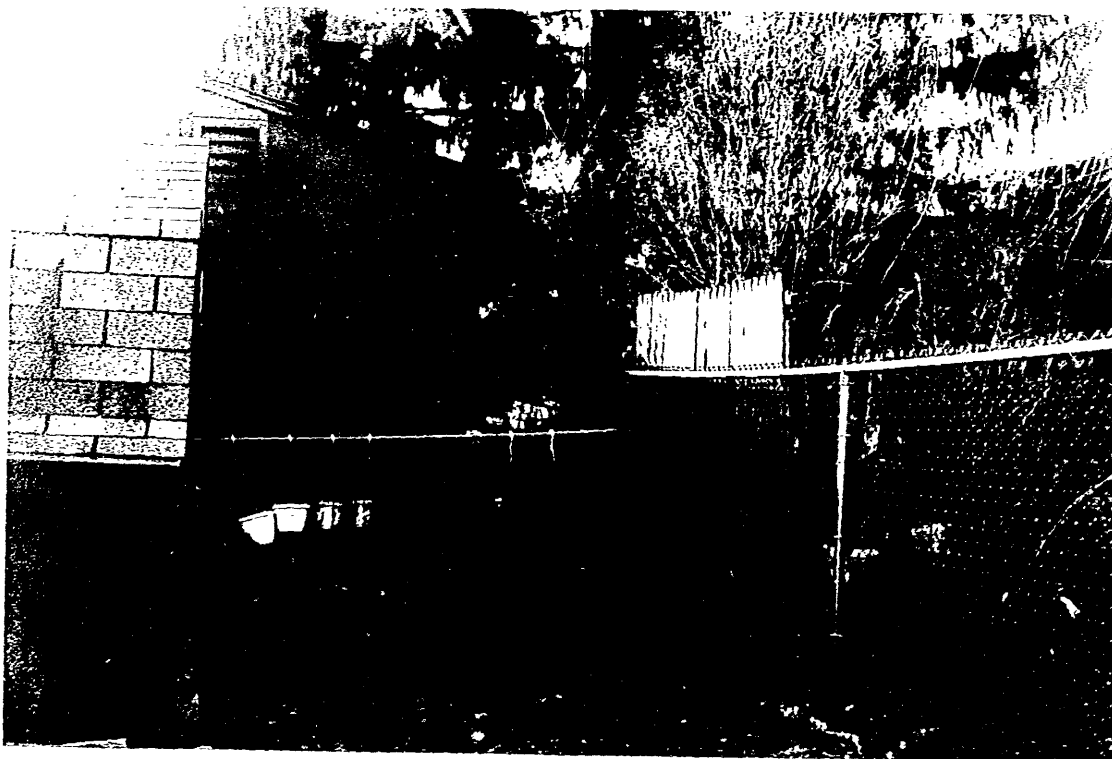
Public Hearing:

Jan. 28, 2002

Granted

Refund:  
\$207.50

#01-67 - Carlone, Frank J. 45-1-10-  
under



APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: ~~██████████~~ Carlone  
646 B6 Tpk.

FILE# 01-67

RESIDENTIAL: \$50.00  
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA X

USE     

APPLICATION FOR VARIANCE FEE ..... \$ 50.00

ESCROW DEPOSIT FOR CONSULTANT FEES ..... \$ 300.00

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 12/17/01-2 ..... \$ 9.00  
2ND PRELIMINARY- PER PAGE ..... \$       
3RD PRELIMINARY- PER PAGE ..... \$       
PUBLIC HEARING - PER PAGE 1/28/02-3 ..... \$ 13.50  
PUBLIC HEARING (CONT'D) PER PAGE ..... \$       
TOTAL ..... \$ 22.50

ATTORNEY'S FEES: \$35.00 PER MEETING

PRELIM. MEETING: 12/17/01 ..... \$ 35.00  
2ND PRELIM. .... \$       
3RD PRELIM. .... \$       
PUBLIC HEARING: 1/28/02 ..... \$ 35.00  
PUBLIC HEARING (CONT'D) ..... \$       
TOTAL ..... \$ 70.00

MISC. CHARGES:

..... \$       
TOTAL ..... \$ 92.50

LESS ESCROW DEPOSIT ..... \$ 300.00  
(ADDL. CHARGES DUE) ..... \$       
REFUND DUE TO APPLICANT .. \$ 207.50

*Paid ck. 320.  
1/3/02.  
Paid ck. 2796  
1/4/02.  
Return escrow  
to  
Angela  
Carlone.*

-----X  
In the Matter of the Application of

**FRANK CARLONE**

MEMORANDUM  
OF DECISION  
GRANTING VARIANCE

#01-67.  
-----X

**WHEREAS, FRANK CARLONE**, 646 Blooming Grove Tpk., New Windsor, New York 12553, has made application before the Zoning Board of Appeals for a 7 ft. side yard and 2 ft. rear yard variance for an existing shed at the above location, in an R-4 zone; and

**WHEREAS**, a public hearing was held on the 28th day of January, 2002 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

**WHEREAS**, the Applicant appeared for this Application; and

**WHEREAS**, there were no spectators appearing at the public hearing; and

**WHEREAS**, no one spoke in favor or in opposition to the Application; and

**WHEREAS**, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

**WHEREAS**, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property is a residential property located in a neighborhood of residential properties.

(b) The property has a shed which has been in existence for at least 14 years.

(c) There have been no complaints about the shed formally or informally.

(d) The shed does not create any water hazards or affect the run off or drainage of water from the property.

(e) The shed is similar in size and appearance to other sheds in the neighborhood.

(f) The shed is located on a concrete foundation.

(g) The shed is located in the best location for the property.

(h) The shed is not constructed on top of any well or septic system or water or sewer easement.

(i) The construction of the shed did not require the cutting down or removal of any trees or significant vegetation.

**WHEREAS,** The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The variances will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to the Applicant that can produce the benefits sought.

3. The variances requested are substantial in relation to the Town regulations, but nevertheless are warranted.

4. The requested variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.

6. The benefit to the Applicant, if the requested variances are granted, outweigh the detriment to the health, safety and welfare of the neighborhood or community.

7. The interests of justice will be served by allowing the granting of the requested area variances.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 7 ft. side yard and 2 ft. rear yard variances for an existing shed at the above location, in an R-4 zone, as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

**BE IT FURTHER**

**RESOLVED**, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: April 8, 2002.

  
Chairman

ANGELA M. CARLONE 8-92  
FRANK J. CARLONE  
646 BROOKING GROVE TPK.  
NEW WINDSOR, NY 12553

2796

50-693/219

DATE

Jan 4, 2002

PAY TO THE  
ORDER OF

Town of New Windsor

\$ 300.00

Three hundred & no/100

DOLLARS

KEY BANK NATIONAL ASSOCIATION  
ROUTE 32  
VALS GATE, NY 12584  
VALS GATE OFFICE 902

FOR

ZBA # 01-67

Angela Carlone

⑆021906934⑆ 323020002636 2796



KERRY KIRK  
P.O. BOX 778  
VAILS GATE, NY 12584

Date 1-3-02

370

29-7003/2213  
489

Pay to the  
Order of

Town of New Windsor 50.00  
fifty + 00 Dollars

CHARTER ONE  
BANK

Value Code Branch

#26A

For

Carlone 01-67 big bank

For 0370  
⑆221370030⑆ ⑈4690560202⑈

Town of New Windsor  
555 Union Avenue  
New Windsor, NY 12553  
(845) 563-4611

**RECEIPT**  
**#23-2001**

01/04/2002

Kirk, Kerry  
P O Box 778  
Vails Gate, NY 12584

Received \$ 50.00 for Zoning Board Fees, on 01/04/2002. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green  
Town Clerk



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4631  
Fax: (845) 563-4693

## Assessors Office

52

December 19, 2001

Frank Carlone  
646 Blooming Grove Turnpike  
New Windsor, NY 12553

Re: 45-1-10

Dear Mr. Carlone:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$75.00, minus your deposit of \$25.00.

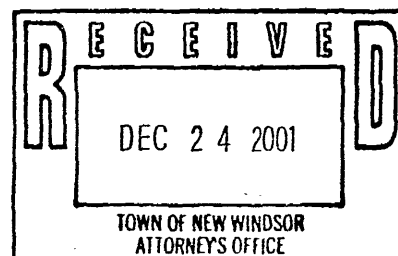
Please remit the balance of \$50.00 to the Town Clerk's Office.

Sincerely,

Leslie Cook  
Sole Assessor

LC/lrd

CC: Pat Corsetti, ZBA



37-1-48  
Church of St. Helena  
P.O. Box 426  
Vails Gate, NY 12584

45-1-14  
James McArdle  
4 Continental Drive  
New Windsor, NY 12553

45-4-7  
Marie Williams  
9 Continental Drive  
New Windsor, NY 12553

37-1-49  
The McQuade Foundation  
P.O. Box 4064  
New Windsor, NY 12553

45-1-15  
Raymond & Jodi-Marie Ciaccio  
6 Continental Drive  
New Windsor, NY 12553

45-4-8  
Michele Ahearn  
Joseph Smith  
7 Continental Drive  
New Windsor, NY 12553

45-1-5  
William & Karen Powles  
624 Blooming Grove Turnpike  
New Windsor, NY 12553

45-1-16  
Mark & Lorene Vitek  
8 Continental Drive  
New Windsor, NY 12553

45-4-9  
Francis Bedetti III  
Christine Lupardo  
5 Continental Drive  
New Windsor, NY 12553

45-1-6  
William Jones  
630 Blooming Grove Turnpike  
New Windsor, NY 12553

45-1-17  
David & Lucy Loehle  
10 Continental Drive  
New Windsor, NY 12553

45-4-10  
Carlos Jr. & Adele Torres  
3 Continental Drive  
New Windsor, NY 12553

45-1-7  
Derek James & Julia Pickles  
634 Blooming Grove Turnpike  
New Windsor, NY 12553

45-1-18  
Michael & Patricia Steel  
12 Continental Drive  
New Windsor, NY 12553

45-4-11  
Bernard & Selene Mc Courtney  
1 Continental Drive  
New Windsor, NY 12553

45-1-8  
Ernest & Helen Kiss  
640 Blooming Grove Turnpike  
New Windsor, NY 12553

45-1-19  
Dominick & Cynthia Esposito  
14 Continental Drive  
New Windsor, NY 12553

45-4-12  
Christopher & Gail Cinnante  
6 Cannon Drive  
New Windsor, NY 12553

45-1-9  
Juergen & Maria Voelker  
642 Blooming Grove Turnpike  
New Windsor, NY 12553

45-1-45  
Mary Grace McCue  
17 Mark Street  
New Windsor, NY 12553

45-4-13  
James Jr. & Paula Bresnan  
8 Cannon Drive  
New Windsor, NY 12553

45-1-11  
Michael Faricellia  
650 Blooming Grove Turnpike  
New Windsor, NY 12553

45-3-4  
Paul & Donna Sabella  
22 Parade Place  
New Windsor, NY 12553

45-4-14  
Michael & Eileen Dowd  
23 Parade Place  
New Windsor, NY 12553

45-1-12  
Frank & Barbara Pavlik  
4 Cannon Drive  
New Windsor, NY 12553

45-3-5  
Peter & Clementina Grimando  
10 Cannon Drive  
New Windsor, NY 12553

45-4-15  
Richard Bittles  
25 Parade Place  
New Windsor, NY 12553

45-1-13  
Leslie & Yolanda Herrera  
2 Continental Drive  
New Windsor, NY 12553

45-4-6  
Maurice Picard  
11 Continental Drive  
New Windsor, NY 12553

45-4-16  
Howard & Laurine Berean  
27 Parade Place  
New Windsor, NY 12553

45-4-17  
James & Veronica Kelly  
29 Parade Place  
New Windsor, NY 12553

49-5-5  
Aram & Mary Carapetyan  
716 Blooming Grove Turnpike  
New Windsor, NY 12553

49-6-11  
Stanley & Clara Zgrodek  
6 Rocky Lane  
New Windsor, NY 12553

49-4-1  
Kenneth & Carol Pick  
21 Parade Place  
New Windsor, NY 12553

49-5-27  
David & Frances Morrison  
26 Provost Drive  
New Windsor, NY 12553

49-6-12  
Joseph Deering  
4 Rocky Lane  
New Windsor, NY 12553

49-4-2  
Carmello & Theresa Russo  
27 Provost Drive  
New Windsor, NY 12553

49-5-28  
Antonio & Teresa Marie Simon  
28 Provost Drive  
New Windsor, NY 12553

49-4-3  
Joseph & Lydia Como  
25 Provost Drive  
New Windsor, NY 12553

49-5-29  
Mark Aulogia  
30 Provost Drive  
New Windsor, NY 12553

49-4-4  
Charles & Patricia Roveto  
23 Provost Drive  
New Windsor, NY 12553

49-6-1  
Charles Greeney  
2 Rocky Lane  
New Windsor, NY 12553

49-4-22  
Donald & Carolyn Cronin  
19 Parade Place  
New Windsor, NY 12553

49-6-2  
Kurt Ottway Jr.  
Dorothy Meta  
1 Rocky Lane  
New Windsor, NY 12553

49-5-1  
David & Kathleen Black  
5 Cannon Drive  
New Windsor, NY 12553

49-6-3  
Thomas & Marjorie Ellis  
3 Rocky Lane  
New Windsor, NY 12553

49-5-2  
Arthur & Geselle May  
704 Blooming Grove Turnpike  
New Windsor, NY 12553

49-6-4  
George & Anna Bak  
5 Rocky Lane  
New Windsor, NY 12553

49-5-3  
Jesse & Cecilia Taylor  
708 Blooming Grove Turnpike  
New Windsor, NY 12553

49-6-5  
Arthur & Renee Miller  
7 Rocky Lane  
New Windsor, NY 12553

49-5-4  
Jose & Edith Miranda Otero  
712 Blooming Grove Turnpike  
New Windsor, NY 12553

49-6-10  
William & Anna Preston  
8 Rocky Lane  
New Windsor, NY 12553

*Pls. publish immediately. Send bill to: Applicant @ below address.*

**PUBLIC NOTICE OF HEARING  
ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR**

**PLEASE TAKE NOTICE** that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 67

Request of Frank Carlone

for a VARIANCE of the Zoning Local Law to Permit:

existing shed w/ insufficient side & rear yards;

being a VARIANCE of Section 48-14 - Supp. Yard Regs.

for property situated as follows:

646 Blooming Grove Tpk., New Windsor, NY

known and designated as tax map Section 45, Blk. 1 Lot 10

PUBLIC HEARING will take place on the 28th day of January, 2002, at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock P.M.

Lawrence Toley  
Chairman

By: Patricia A. Corsetti, Secy.

**X**

**AFFIDAVIT OF  
SERVICE  
BY MAIL**

Frank Carlone

# SI-67

STATE OF NEW YORK) ) SS.:  
COUNTY OF ORANGE )

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, New Windsor, N. Y. 12553.

That on the 14th day of Jan., 2002, I compared the 52 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor regarding the above application for a variance and I find that the addresses are identical to the list received. I then caused the envelopes to be deposited in a U.S. Depository within the Town of New Windsor.

Shirley C. Gossett  
~~Shirley C. Gossett~~

\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**Notary Public**

TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

# 01-67.

Date: 1/3/02.

I. ✓ Applicant Information:

- (a) Frank J. Carbone 646 Blooming Gr. Tpk New Windsor Ny 12553 845-562-1278  
(Name, address and phone of Applicant) (Owner)
- (b) \_\_\_\_\_  
(Name, address and phone of purchaser or lessee)
- (c) \_\_\_\_\_  
(Name, address and phone of attorney)
- (d) \_\_\_\_\_  
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- ( ) Use Variance ( ) Sign Variance
- (X) Area Variance ( ) Interpretation

III. ✓ Property Information:

- (a) R-4. 646 Blooming Gr. Tpk New Windsor Ny 45 1 10 131  
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? NONE
- (c) Is a pending sale or lease subject to ZBA approval of this application? YES
- (d) When was property purchased by present owner? 9/19/87
- (e) Has property been subdivided previously? NO
- (f) Has property been subject of variance previously? NO  
If so, when? \_\_\_\_\_
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? NO
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: yes - Storage Shed 10' X 12' X 8'

IV. ~~Use Variance.~~ N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_, to allow:  
(Describe proposal) \_\_\_\_\_



(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

~~I Purchased this House with the Shed Attached HERE, the Shed cannot be moved because it is on concrete, thus the sale of my House would not go through unless I receive this Variance~~

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes \_\_\_\_\_ No ✓.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

✓ Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-14, ~~Table of~~ Supp. Yard Regs., Col.       .

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. <u>10'</u>	<u>3 ft.</u>	<u>7 ft.</u>
Reqd. Rear Yd. <u>10'</u>	<u>8 ft.</u>	<u>2 ft.</u>
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

\* Residential Districts only

\*\* No-residential districts only

✓ (b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

I PURCHASED THE HOUSE WITH THE SITE ALREADY HERE. THE  
SITE CANNOT BE MOVED BECAUSE IT IS ON CONCRETE, & THE SALE  
OF THIS HOUSE WILL NOT GO THROUGH UNLESS I RECEIVE THIS VARIANCE

(You may attach additional paperwork if more space is needed)

VI. Sign Variance: N/A

(a) Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Regs.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign	_____	_____	_____
Sign 3	_____	_____	_____
Sign	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

\_\_\_\_\_  
 \_\_\_\_\_

VII. Interpretation: N/A

(a) Interpretation requested of New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.

(b) Describe in detail the proposal before the Board:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or



Town of New Windsor  
555 Union Avenue  
New Windsor, NY 12553  
(845) 583-4811

**RECEIPT**  
**#1157-2001**

12/19/2001

Kirk, Kerry  
P O Box 778  
Vails Gate, NY 12584

Received \$ 25.00 for Assessors List, on 12/19/2001. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green  
Town Clerk

Date ..... 1/4/02 .....

# TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

TO ..... Frances Roth  
168 N. Drury Lane  
Newburgh, N.Y. 12550 ..... DR.

DATE			CLAIMED	ALLOWED
12/12/01		NW. Zoning Board	75.00	
		Misc. 7		
		Locurto - 3		
		Curtin - 4		
		Carlone - 2 9.00		
		Pflierger - 2		
		B'hreke - 4		
		Romaine - 3		
		DiCocco - 2		
		Betrix - 2		
		Sisters of the Presentation - 3		
		28	126.00	
			201.00	

CARLONE, FRANK

MR. TORLEY: Request for 7 ft. side yard and 2 ft. rear yard variance for existing shed at 646 Blooming Grove Turnpike in an R-4 zone.

Mr. Frank Carlone appeared before the board for this proposal.

MR. TORLEY: What's the problem?

MR. CARLONE: It's too close to the property line.

MR. KANE: How long has the shed been in existence?

MR. CARLONE: I bought the house, I lived there 14 years and it's been there when I bought it.

MR. KANE: Any water hazards created with the shed there or around the shed?

MR. CARLONE: No.

MR. KANE: Any complaints formally or informally?

MR. CARLONE: No.

MR. REIS: What brings you to the ZBA, Frank?

MR. CARLONE: I'm selling my house.

MR. TORLEY: One thing you should take care all of our decisions are based on information that you give us so if you say you need a 7 foot side yard variance, turns out you need a 7 foot six inch side yard variance, some banks catch it and you have to start all over again so make sure of your measurements.

MR. CARLONE: Okay.

MR. KANE: Sheds similar in size to other sheds in the neighborhood?

MR. CARLONE: Yes.

December 17, 2001

7

MR. BABCOCK: I understand the shed is also on a concrete slab?

MR. CARLONE: Yes.

MR. TORLEY: That always makes moving it difficult.

MR. CARLONE: It really can't be moved.

MR. TORLEY: When you come back for the public hearing, I'd appreciate some pictures of the layout, maybe show what your neighbors are seeing, again, talk to your neighbors.

MR. CARLONE: They have all their sheds too.

MR. REIS: Motion we set up Mr. Carlone for his requested variances at 646 Blooming Grove Turnpike.

MR. KANE: Second it.

ROLL CALL

MR. REIS	AYE
MR. KANE	AYE
MR. MC DONALD	AYE
MR. RIVERA	AYE
MR. TORLEY	AYE



# CONTRACT FOR THE SALE OF REAL ESTATE

THIS IS A LEGALLY BINDING CONTRACT

WE RECOMMEND THAT YOU SEEK LEGAL ADVICE & COUNSEL FROM YOUR ATTORNEY BEFORE SIGNING.

70 Gilbert Street  
Monroe, New York 10950  
(845) 783-5145  
Fax (845) 783-6960

Made and dated this 19 day of October, 2001 BETWEEN:

Caroline Frank J. Tel. No.: \_\_\_\_\_

residing at: 646 Blooming Grove Trk New Windsor

who hereby agrees to sell, and:

ERIC C TIRADO + Marilyn E. Echevarria Tel. No.: \_\_\_\_\_

residing at: 162-164 E. 109th St N.Y.C N.Y. (2C) 10029

who hereby agrees to buy the property located, known and described as: 55,045.000 - BLK 0001 -

Lot 010.000 - Residence in New Windsor

Tax Map No.: \_\_\_\_\_

Under the following terms and conditions:

Price: One hundred + seventy five thousand dollars 175,000.

\$ - 0 - Cash or check herewith receipt of which is hereby acknowledged to be

\$ 5250. held in escrow by the broker in M&T Bank trustee account.

\$ 5250. Cash payable Contracts on or about Nov. 8, 2001

\$ — Cash payable upon taking title to the premises.

Subject to purchasers obtaining/assuming by \_\_\_\_\_

a \$ 169,750 first mortgage at the prevailing rate of interest,

for a term of 30 years.

Other conditions of sale: THIS CONTRACT IS SUBJECT TO THE APPROVAL OF THE PARTIES' RESPECTIVE ATTORNEYS

a satisfactory inspection, Radon + Pest

to be completed within 10 days of acceptance

Prequal to follow

Non-real estate items included in purchase price: cktp, waoren, washer w/w cpt.

ALL pool equipment

Premises will be conveyed subject to restrictive covenants or other covenants of record, if any, which may be in force and effect. Taxes to be prorated as of the date of closing. Insurable title in the form of a bargain and sale deed

Deed shall be taken and delivered on or about, Jan 21 2001 December 14 2001 at the office of the attorney for the bank of the buyer. Lending Institution

It is hereby mutually agreed that all monies tendered by the buyer towards the purchase price prior to the closing of title will be held in escrow. In the event that any of the conditions of sale cannot be met, all monies paid by the buyer toward the purchase price will be promptly refunded upon consent by both purchaser and seller, or their attorneys.

The parties hereby agree that Prudential Rand H. Kerry Kirk exclusive agent in cooperation with ARC Realty Group Rita Roden are the recognized brokers who affected this "meeting of the minds," and will be paid the brokerage commission by separate agreement by the seller. All parties hereto acknowledge duplicate original of this agreement of sale.

Seller: X Frank J. Caroline Date: 10/25/01 Buyer: X Eric C Tirado Date: 10/25/01

Seller's attorney: X Angela Carbone Date: 10/25/01 Buyer's attorney: X Marilyn E. Echevarria Date: 10/25/01

Seller's attorney: \_\_\_\_\_ Tel. No.: \_\_\_\_\_

Buyer's attorney: \_\_\_\_\_



## POLICY OF TITLE INSURANCE



Issued by

TITLE NO. RD-33-17253

POLICY NO. — 397140

**american title insurance company**

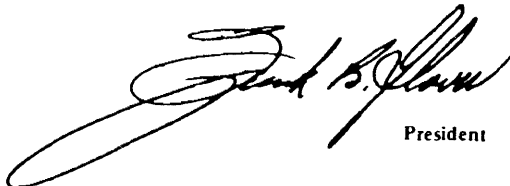
**northeast region**

Alan J. Axelrod, Esq.  
Greenblatt & Axelrod, Esqs.  
369 Fullerton Avenue - P.O. Box 2275  
Newburgh, New York 12550

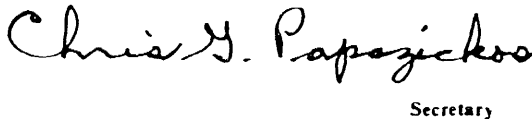
American Title Insurance Company, in consideration of the payment of its charges for the examination of title and its premium for insurance, insures the within named insured against all loss or damage not exceeding the amount of insurance stated herein and in addition the costs and expenses of defending the title, estate or interest insured, which the insured shall sustain by reason of any defect or defects of title affecting the premises described in Schedule A or affecting the interest of the insured therein as herein set forth, or by reason of unmarketability of the title of the insured to or in the premises, or by reason of liens or incumbrances affecting title at the date hereof, or by reason of any statutory lien for labor or material furnished prior to the date hereof which has now gained or which may hereafter gain priority over the interest insured hereby or by reason of a lack of access to and from the premises, excepting all loss and damage by reason of the estates, interests, defects, objections, liens, incumbrances and other matters set forth in Schedule B, or by the conditions of this policy hereby incorporated into this contract, the loss and the amount to be ascertained in the manner provided in said conditions and to be payable upon compliance by the insured with the stipulations of said conditions, and not otherwise

**In Witness Whereof**, American Title Insurance Company has caused this policy to be signed and sealed on its date of issue set forth herein.

**american title insurance company**

  
President

ATTEST:

  
Secretary



**HARDEN**

Orange County, N.Y.

AGENT FOR AMERICAN TITLE INSURANCE COMPANY

P.O. Box 638

**SCHEDULE A**

Date of Policy September 14, 1987

Amount of Insurance \$135,000.00

TITLE NO. RD-33-17253

POLICY NO. 397140

Name of Insured:

Frank J. Carlone and  
Angela M. Schiavone

The estate or interest insured by this policy is FEE SIMPLE

vested in the insured by means of

Deed made by Frank S. Puzzo and Maria Puzzo, to Frank J. Carlone and Angela M. Schiavone, dated September 11, 1987, recorded September 14, 1987 in the Orange County Clerk's/Register's Office in Deed Book 2792, Page 307.

The premises in which the insured has the estate or interest covered by this policy

See Schedule "A" attached.

Countersigned and Validated

By

  
AUTHORIZED REPRESENTATIVE

James V. Rinaldi

SCHEDULE "A"

All that certain tract or parcel of land situated in the Town of New Windsor, County of Orange and State of New York, being Lot No. 8, Block B, on a filed map entitled "Amended Map of Gateway", said map being filed in the Orange County Clerk's Office on October 15, 1963 as Map No. 2009, bounded and described as follows:

Beginning at a point on the Northerly line of N.Y.S. Route 94, said point being 310.67 feet westerly from the intersection of the Northerly line of N.Y.S. Route 94, with the Westerly line of lands now or formerly Morrow; thence along the Northerly line of N.Y.S. Route 94, South 58-55-00 West 51.68 feet and South 50-25-00 West 36.78 feet to a point; thence along Lot No. 10, Block B, on said filed map no. 2009, being lands now or formerly Faricellia (Liber 2123, Cp. 726), North 39-35-00 West 132.16 feet to a point; thence along Lot No. 90, Block B, on said filed map no. 2009, being lands now or formerly Pavlik (Liber 1641, Cp. 1143), and Lot No. 92, Block B, on said filed map no. 2009, being lands now or formerly Gigliotti (Liber 1685, Cp. 539), North 46-58-00 East 109.97 feet to a point; thence along Lot No. 6, Block B, on said filed map no. 2009 being lands now or formerly Voelker (Liber 1899, Cp. 103), South 31-05-00 East 148.04 feet to the point or place of beginning. Containing 0.31 of an acre of land, more or less.

## SCHEDULE B

TITLE NO. RD-33-17253  
397140

The following estates, interests, defects, objections to title, liens and incumbrances and other matters are excepted from the coverage of this policy:

1. Defects and incumbrances arising or becoming a lien after the date of this policy, except as herein provided.
2. Consequences of the exercise and enforcement or attempted enforcement of any governmental, war or police powers over the premises.
3. Any laws, regulations or ordinances (including, but not limited to zoning, building, and environmental protection) as to use, occupancy, subdivision or improvement of the premises adopted or imposed by any governmental body, or the effect of any noncompliance with or any violation thereof.
4. Judgments against the insured or estates, interests, defects, objections, liens or incumbrances created, suffered, assumed or agreed to, by or with the privity of the insured.
5. Title to any property beyond the lines of the premises, or title to areas within or rights or easements in any abutting streets, roads, avenues, lanes, ways or waterways, or the right to maintain therein vaults, tunnels, ramps or any other structure or improvement, unless this policy specifically provides that such titles, rights, or easements are insured. Notwithstanding any provisions in this paragraph to the contrary, this policy, unless otherwise excepted, insures the ordinary rights of access and egress belonging to abutting owners.
6. Title to any personal property, whether the same be attached to or used in connection with said premises or otherwise.
7. Subject to Mortgage made by Frank J. Carlone and Angela M. Schiavone to Albany Savings Bank, FSB, its successors and/or assigns to secure the payment of \$121,500.00 and interest, dated September 11, 1987, recorded September 14, 1987, in the Orange County Clerk's/Register's Office in Mortgage Book 2818 Page 253 .
8. Covenants and Restrictions in Liber 1989 Cp. 296. Grant in Liber 1607 Cp. 24 and Liber 1608 Cp. 1094.
9. Survey made by Peter Hustis, L.S., dated 8/12/1987, shows premises with location of house, drive, pool, shed and fence lines. All within bounds.
10. Company insures there is no Certificate of Occupancy, house built prior to zoning.
11. Company insures New York State Highway 94 is maintained by the State of New York.
12. Company affirmatively insures that with the exception of providing utility service to the subject dwelling, that Grant in Liber 1607 Cp. 24 and Liber 1608 Cp. 1094 do not create any rights which extend more than 10 feet inside any record line, and that the exercise of any rights thereunder will not interfere with the use and occupancy of structural improvements located on the premises.

SCHEDULE "B" CONTINUED

RD-33-17253

13. Company affirmatively insures that Covenants and Restrictions in Liber 1989 Cp. 296 are presently not violated, and any future violation will not result in a reversion or forfeiture of title. Also, there is no condition or right of re-entry or other provision for forfeiture under which the insured mortgagee can be cut off, subordinated or otherwise disturbed.
14. Company excepts any liability or damage due to the removal of premises from veterans/exemptions.
15. Rights, if any, in favor of any electric light or telephone company to maintain guy wires extending from said premises to poles located on the roads on which said premises abut, but policy will insure, however, that there are no such agreements of record in connection therewith except as may be shown herein.
16. Underground encroachments and easements, if any, including pipes and drains, and such rights as may exist for entry upon said premises to maintain and repair the same, which do not appear of record.
17. The exact acreage of the premises herein will not be insured.
18. Riparian rights, if any, in favor of the premises herein are not insured.
19. Rights of others to drain through creeks or streams, if any, which cross premises and the natural flow thereof will be excepted.
20. No personal inspection of the premises has been made. Policy will except "Any state of fact which a personal inspection of the premises herein described would disclose."

Date ..... 1/29/02 .....

# TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

Frances Roth  
168 N. Drury Lane  
Newburgh, N.Y. 12550

TO ..... DR.

DATE			CLAIMED	ALI
1/28/02		Zoning Board Mtg	75.00	
		Misc. - 2		
		Blythe - 1		
		Digerata - 5		
		Hong - 3		
		Carlone - 3		
		Imageland - 3		
		Bouaine -	103.50	
		Delaney - 3		
		23	178.50	

PUBLIC HEARINGS:

CARLONE, FRANK

MR. TORLEY: Request for 7 ft. side yard and 2 ft. rear yard variances for existing shed at 646 Blooming Grove Turnpike in an R-4 zone.

Mr. Frank Carlone appeared before the board for this proposal.

MR. TORLEY: Is there anyone in the audience wishing to speak on this matter? Let the record show there is no one present.

MS. CORSETTI: Let the record show that on the 14th of January, we sent out 52 notices to adjacent property owners.

MR. TORLEY: Sir, so, tell us what you want to do, tell us what your problem is.

MR. CARLONE: I'm selling the property and there's a shed on the cement slab that's not within the ten foot by ten foot--

MR. KANE: Side yard regulations, side and back yard regulations?

MR. CARLONE: Right.

MR. KANE: How long has the shed been in existence?

MR. CARLONE: I bought the house 14 years ago, it was there already.

MR. KANE: Over 14 years old?

MR. CARLONE: Yes.

MR. KANE: Any complaints formally or informally?

MR. CANE: Not that I know of.

MR. KANE: Any creation of water hazards, runoff

whatsoever?

MR. CARLONE: None at all.

MR. KANE: Shed is similar in size to other sheds in the neighborhood?

MR. CARLONE: Yes.

MR. MC DONALD: Couldn't move it?

MR. KANE: It would be a hardship to move the shed as it is now?

MR. CARLONE: Yes, you can't move it over because it's right next to the pool.

MR. TORLEY: It's on a concrete foundation?

MR. CARLONE: Yes.

MR. TORLEY: It would be economically infeasible to move it?

MR. CARLONE: I guess.

MR. KRIEGER: Over the top of any water well or septic systems or water or sewer easement?

MR. CARLONE: No.

MR. KANE: Cutting down of any trees when it was built that you know of? It was existing before you moved onto the property so--

MR. CARLONE: Yeah, there was no trees.

MR. KANE: Just for the record. Accept a motion?

MR. TORLEY: Yes.

MR. KANE: I move we approve the application by Frank Carlone for his variance at 646 Blooming Grove Turnpike.



January 28, 2002

13

MR. MC DONALD: Second it.

ROLL CALL

MR. KANE	AYE
MR. MCDONALD	AYE
MR. TORLEY	AYE

Date February 20, 2002

# TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553**

TO Angela Carlone DR.  
646 Blooming Grove Pk. New Windsor, NY 12553

[illegible]

**OFFICE OF THE BUILDING INSPECTOR  
TOWN OF NEW WINDSOR  
ORANGE COUNTY, NEW YORK**

**NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION**

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4630 TO  
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

**DATE: 12/14/01**

**APPLICANT: Frank J. Carlone  
646 Blooming Grove Turnpike  
New Windsor, NY 12553**

**COPY**

**PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE:**

**FOR : Existing shed permit**

**LOCATED AT: 646 Blooming Grove Turnpike**

**ZONE: R-4      Sec/Blk/ Lot: 45-1-10**

**DESCRIPTION OF EXISTING SITE: One Family House**

**IS DISAPPROVED ON THE FOLLOWING GROUNDS:**

- 1. Existing 10x12 shed does not meet minimum side or rear yard set-backs.**

  
**BUILDING INSPECTOR**

PERMITTED 10ft

PROPOSED OR  
AVAILABLE:

VARIANCE  
REQUEST:

ZONE: R-4 USE: 48-14-A-(B)

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD: 3ft 7ft

REQ'D TOTAL SIDE TD:

REQ'D REAR YD: 8ft 2ft

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS  
**IMPORTANT**  
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

**RECEIVED**

DEC 11 2001

**BUILDING DEPARTMENT**

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

FOR OFFICE USE ONLY:  
Building Permit #: 2001-1232

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS  
REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises FRANK + ANGELA CARLONE

Address 666 BLOOMING GROVE TRAIL N.W Phone # 562-1278

Mailing Address SAME Fax # —

Name of Architect —

Address — Phone —

Name of Contractor PREVIOUS OWNER

Address \_\_\_\_\_ Phone \_\_\_\_\_

State whether applicant is owner, lessee, agent, architect, engineer or builder OWNER

If applicant is a corporation, signature of duly authorized officer \_\_\_\_\_  
(Name and title of corporate officer)

1. On what street is property located? On the N side of BLOOMING GROVE TPKE  
(N, S, E or W)  
and \_\_\_\_\_ feet from the intersection of \_\_\_\_\_

2. Zone or use district in which premises are situated \_\_\_\_\_ Is property a flood zone? Y \_\_\_\_\_ N \_\_\_\_\_

3. Tax Map Description: Section 45 Block 1 Lot 10

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction. SHED existing

a. Existing use and occupancy SINGLE FAMILY b. Intended use and occupancy SAME

5. Nature of work (check if applicable) ☐ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other

6. Is this a corner lot? NO

✓ 7. Dimensions of entire new construction. Front 10' Rear 10' Depth 12' Height 8' No. of stories 1

8. If dwelling, number of dwelling units: \_\_\_\_\_ Number of dwelling units on each floor \_\_\_\_\_

Number of bedrooms \_\_\_\_\_ Baths \_\_\_\_\_ Toilets \_\_\_\_\_ Heating Plant: Gas \_\_\_\_\_ Oil \_\_\_\_\_  
Electric/Hot Air \_\_\_\_\_ Hot Water \_\_\_\_\_ If Garage, number of cars \_\_\_\_\_

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use \_\_\_\_\_

✓ 10. Estimated cost \$500.00 Fee **PAID** 50-  
CH# 2784

\_\_\_\_/\_\_\_\_/\_\_\_\_  
date

**APPLICATION FOR BUILDING PERMIT**  
**TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK**  
Pursuant to New York State Building Code and Town Ordinances

**Building Inspector: Michael L. Babcock**  
**Asst. Inspectors: Frank Lisi & Louis Krychear**  
New Windsor Town Hall  
555 Union Avenue  
New Windsor, New York 12553  
(845) 563-4618  
(845) 563-4695 FAX

Bldg Insp Examined \_\_\_\_\_  
Fire Insp Examined \_\_\_\_\_  
Approved \_\_\_\_\_  
Disapproved \_\_\_\_\_  
Permit No. \_\_\_\_\_

**INSTRUCTIONS**

- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

Frank J. Carbone  
(Signature of Applicant)

\_\_\_\_\_  
(Address of Applicant)







# ORANGE COUNTY~NEW

NO. (2) (A)  
(13)

14 20 22